

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BUXBAUM,

Plaintiff,

-against-

KEY STAR CAPITAL FUND II, L.P.,

Defendant.

ORDER

25-CV-01958 (PMH)

PHILIP M. HALPERN, United States District Judge:

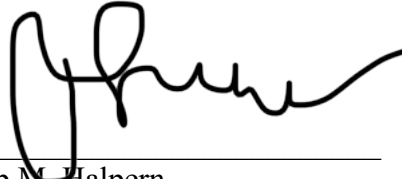
On May 6, 2025, Plaintiff filed a motion seeking an Order directing Defendant to pay him \$275,000. (Doc. 11). Plaintiff does not specify the applicable Federal Rule of Civil Procedure pursuant to which the motion is brought. *See* Local Civil Rule 7.1. The motion is denied for failure to comply with the Federal Rules of Civil Procedure, the Local Civil Rules, and the Court's Individual Practices.

Separately and in addition, Defendant has not yet appeared in this action, nor has Plaintiff yet filed proof of service pursuant to Rule 4(l) of the Federal Rules of Civil Procedure that service has been made upon Defendant. The Court reminds Plaintiff that he must serve the summons and complaint on Defendant within 90 days of the issuance of the summons. (*See* Doc. 6). The summons was issued on April 1, 2025. (Doc. 7). Accordingly, Plaintiff must serve the summons and complaint on Defendant by June 30, 2025 and file proof of such service. If by June 30, 2025, Plaintiff has not either served Defendant or requested an extension of time to do so, the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiff and terminate the motion sequence pending at Doc. 11.

SO ORDERED:

Dated: White Plains, New York
May 9, 2025

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge